

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: Mr. Mikio HATTA

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102-0084

Date of mailing
(day/month/year) 22. 06. 2004

Applicant's or agent's file reference

F 04-025-PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2004/005761

International filing date (day/month/year)

22. 04. 2004

Priority date (day/month/year)

25. 04. 2003

International Patent Classification (IPC) or both national classification and IPC

Int. C17 A61K31/734, 33/44, 9/06, A61P1/10

Applicant

KOUKI BUSSAN YUGENKAISHA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/J P
Japan Patent Office
4-3, Kasumigaseki 3-chome
Chiyoda-ku, Tokyo 100-8915
Facsimile No.

Date of completion of this opinion

03. 06. 2004

Authorized officer 4C 3229
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WRITTEN OPINION OF THE
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International application No.
PCT/JP2004/005761

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed
☐ filed together with the international application in electronic form
☐ furnished subsequently to this Authority for the purposes of search

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 14	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1 - 14	NO
Industrial applicability (IA)	Claims	1 - 14	YES
	Claims		NO

2. Citations and explanations:

Citation 1: JP 2000-191524 A (Kabushiki Kaisha Pasuteru) 2000.07.11

Citation 2: WO 98/03259 A1 (Kouki Bussan Yugen Kaisha) 1998.01.29

Citation 3: JP 6-7093 A (Sumitomo Metal Industries, Ltd.) 1994.01.18

(i) The inventions covered by claims 1 - 4 have no inventive step in the light of Literature 1 cited in the International Search Report.

Literature 1 discloses a constipation healing composition containing alimentary fibers as an effective component (claim 1). As an example of alimentary fibers, calcium alginate is cited ([0018]).

Then, in the invention disclosed in Literature 1, the particulate system and the shape of calcium alginate are matters which are properly altered and optimized by any person of ordinary skill in the art and the pertinent matter is not recognized to have any special effect.

(ii) The inventions covered by claims 1 - 14 have no inventive step in the light of Literatures 2 - 3 cited in the International Search Report.

Literature 2 discloses an adsorbent which comprises an adsorbent part formed by coating an adsorbing body with a first gel-like substance and a second gel-like substance part (claim 10). Further, activated carbon and charcoal are cited as adsorbing bodies and such divalent metal salts of polycarboxylic acids as calcium alginate and pectin are cited as gel-like substances (claims 1 - 9, lines 4 - 22, page 8). It further has a description to the effect that the adsorbent may optionally add alginic acid and carageenin (Line 28, page 8 - line 17, page 10). A perusal of Example 7 reveals an experiment of obtaining calcium alginate by dropping a sodium alginate solution to a calcium chloride solution.

Literature 3 discloses a foodstuff and a health food beverage which contain alginic acid having a molecular weight in the range of 10,000 - 900,000 (claims 1 - 4). It also has a description to the effect that alginic acid as alimentary fibers exhibits an effect of mending alimentary disorders and preventing constipation ([0004]).

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box No. V

Thus, the idea of using the adsorbent containing calcium alginate, i.e. an invention disclosed in literature, as an agent for mending alimentary disorders and preventing constipation similarly to the invention disclosed in Literature 3 can be easily conceived by any person of ordinary skill in the art. The relevant matter is not recognized to bring any particular effect.